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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 TONDA FERRANDO and DEX MARZANO,
12 individually and on behalf of all others
13 similarly situated,

14 *Plaintiffs,*

15 *v.*

16 ZYNGA INC., a Delaware corporation.

17 *Defendant.*

No. 22-cv-214-RSL

18 **ORDER GRANTING PLAINTIFFS’**
19 **MOTION FOR PRELIMINARY**
20 **APPROVAL OF CLASS ACTION**
21 **SETTLEMENT**

1 The above-captioned matter came before this Court upon Plaintiffs' Unopposed Motion
 2 for Preliminary Approval of Class Action Settlement. Dkt. # 23. Based upon the memoranda,
 3 declaration, and exhibit submitted as well as the files and proceedings in the other on-line
 4 gambling cases pending in this district, the Court finds as follows:

5 1. The Court grants preliminary approval of the Settlement based upon the terms set
 6 forth in the Settlement Agreement.

7 2. The settlement terms set forth in the Settlement Agreement appear to be fair,
 8 adequate and reasonable to the Settlement Class, and the Court preliminarily approves the terms
 9 of the Settlement Agreement, including:

- 10 a. A Settlement Fund of \$12,000,000;
- 11 b. Incentive Awards, which shall not exceed \$5,000 each for Plaintiffs Tonda
 12 Ferrando and Dex Marzano;
- 13 c. Attorneys' fees to Settlement Class Counsel, which shall be no more than
 14 thirty percent (30%) of the Settlement Fund, plus reimbursement of
 15 expenses, and;
- 16 d. Settlement Administration Expenses, which together with any anticipated
 17 Fee Award and Incentive Awards, shall be no more than thirty percent
 18 (30%) of the Settlement Fund.

19 3. The Court grants the Parties' request for certification of the following Rule 23
 20 Settlement Class for the sole and limited purpose of implementing the terms of the Settlement
 21 Agreement, subject to this Court's final approval:

22 all individuals who, in Washington (as reasonably determined by
 23 billing address information, IP address information, or other
 24 information furnished by Platform Providers), played the Applications
 on or before Preliminary Approval of the Settlement.¹

25 ¹ Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and
 26 members of their families, (2) the Defendant, Defendant's subsidiaries, parent companies, successors, predecessors,
 27 and any entity in which the Defendant or its parent has a controlling interest and their current or former officers,
 directors, and employees, (3) persons who properly execute and file a timely request for exclusion from the
 Settlement Class, and (4) the legal representatives, successors or assigns of any such excluded persons.

4. The Court preliminarily appoints Jay Edelson, Rafey S. Balabanian, Todd Logan, Alexander G. Tievsky, Brandt Silver-Korn, and Amy B. Hausmann of Edelson PC as Class Counsel, and Plaintiffs Tonda Ferrando and Dex Marzano as Class Representatives.

5. This Court approves, as to form and content, the notice of proposed class action settlement (the “Notice”) in substantially the form attached to the Settlement Agreement as Exhibits B, C and D. The Court approves the procedure for Settlement Class Members to opt out of, or object to, the Settlement as set forth in the Settlement Agreement Notice.

6. The Court directs the mailing of the Settlement Class Notice by email and/or First-Class U.S. mail to the Settlement Class Members in accordance with the schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Notice, as set forth below, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

Deadline	Event
No later than thirty (30) calendar days after the Execution of the Settlement Agreement	Deadline for Defendant to provide Settlement Class Member contact information to Class Counsel and the Settlement Administrator
July 6, 2022	Deadline for Settlement Administrator to provide Notice on the settlement website, www.zyngasettlement.com
August 2, 2022	Deadline for Settlement Administrator to mail Notice via Email and/or First-Class U.S. Mail (the “Notice Date”)
No later than thirty (30) days prior to the Claims Deadline, and again seven (7) days prior to the Claims Deadline	Deadlines for the Settlement Administrator to send Reminder Notice via email
September 27, 2022	Deadline to have postmarked and/or filed a written objection to this Settlement Agreement or a request for exclusion

7. The Court appoints JND Legal Administration as the Settlement Administrator.

